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**GD Copper (USA) Inc. and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (Also Known As USW), Petitioner.** Case 15-RC-137562

May 28, 2015

**DECISION AND CERTIFICATION OF REPRESENTATIVE**

BY MEMBERS HIROZAWA, JOHNSON, AND MCFERRAN

The National Labor Relations Board, by a three-member panel, has considered objections to an election held November 7, 2014, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 75 for and 74 against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings<sup>1</sup> and recommendations,<sup>2</sup> and finds that a certification of representative should be issued.

<sup>1</sup> The Employer has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings. The hearing officer found no credible evidence that any employee called any other employee "house nigger." The Employer asserts that the hearing officer's credibility determination in this regard is contrary to the record because the hearing officer incorrectly stated that only one witness testified that employee Eric Eldridge had used that term, when in fact a second witness had also so testified. We find that the hearing officer's misstatement of the record in this regard does not affect the outcome here, in light of the fact that the hearing officer specifically addressed the testimony of both witnesses and Eldridge and weighed their credibility. We find no basis for overruling his credibility determinations.

<sup>2</sup> We agree with the hearing officer that employee Eldridge was not an agent of the Petitioner and that his statements about slavery and Jim

**CERTIFICATION OF REPRESENTATIVE**

IT IS CERTIFIED that a majority of the valid ballots have been cast for United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (also known as USW), and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full time and regular part time production, maintenance, and warehouse employees including production operators, maintenance employees, scrap employees, forklift operators, installers, quality assurance technicians, crane operators, tooling technicians, machinists, warehouse forklift operators, and warehouse clerks employed by the employer at its facility located at 2285 Leroy Randolph Road, Pine Hill, Alabama, excluding employees working in the United States on a visa, confidential employees, professional employees, office clerical employees, guards and supervisors as defined by the Act.

Dated, Washington, D.C. May 28, 2015

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Kent Y. Hirozawa, Member

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Harry I. Johnson, III, Member

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Lauren McFerran, Member

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Crow in reference to the Employer's attendance policy and his comments about "slave food" or "the master's food" do not require setting aside the election. Moreover, even if these statements could be attributed to the Petitioner, they would not warrant setting aside the election under *Coca-Cola Bottling Co.*, 273 NLRB 444 (1984).